

STATE OF MINNESOTA

STATE BUILDING CODE APPEALS BOARD

In the Matter of the Appeal of
Outsource Architecture LLC,

FINAL DECISION
Dated: 11/1/2016

Appeal No. 16-01

This matter came on for hearing before the State Building Code Appeals Board (“Board”) on October 24, 2016. The record closed at the conclusion of the hearing.

David Wick of Outsource Architecture LLC, appeared as the applicant and appellant in this matter. David Barsody, Building Official for Benton County, appeared on behalf of respondent Benton County.

The issue in this appeal is whether the Benton County Building Official correctly determined that Appellant’s proposed hops processing facility is properly classified as an F-1 moderate-hazard industrial facility under the Minnesota State Building Code. Appellant contends that it should be classified as an F-2 low-hazard industrial facility. The proper hazard classification of an industrial hops processing facility was a matter of first impression for the Board.

The International Building Code (“IBC”) is adopted by reference in Minn. R. 1305.0011. Chapter 3, section 306 of the IBC deals with classification of buildings used to manufacture, package, and process low and moderate hazard products. The F-1 classification refers to buildings designed for industrial uses that constitute a moderate hazard and is described under section 306.2 of the IBC. Section 306.2 lists numerous examples of products whose processing constitutes a moderate-hazard, including hemp, which is in the same family of plant as hops. Section 306.3 of the IBC describes the F-2 classification of buildings designed for industrial uses that constitute low hazards. Specifically, section 306.3 states that the F-2 designation is appropriate for the fabrication or manufacturing of noncombustible materials that, during finishing, packing, or processing, do not involve a significant fire hazard.

Appellant submitted materials that classified the fire risk of hops as “not-applicable” and also provided testimony regarding heat tests that Appellant performed on its product to confirm that its product was noncombustible. Appellant also addressed the difference in flammability of hops and hemp. Based on this evidence, Appellant argued that hops should be classified as a noncombustible product for the purposes of section 306 of the IBC. Board members independently researched the combustibility of hops and also determined that hops processing was a low-hazard use of the processing portion of the proposed building.

Pursuant to the Board's authority under Minn. R. 1300.0230, and based upon the entire record, including all documents, testimony, and arguments submitted to the Board, the Board has determined that the processing portion of Appellant's proposed building is properly classified as an F-2 industrial facility under the State Building Code. The Board therefore orders the Building Official to classify the processing portion of the proposed building as F-2.

RIGHTS OF APPEAL

This is the final decision of the State Building Code Appeals Board in this matter. A person aggrieved by this decision may, within 180 days of its date, appeal to the Commissioner of Labor and Industry as set forth in Minn. Stat. § 326B.139.

A handwritten signature in black ink, appearing to read "Scott McKown", is positioned above a horizontal line.

SCOTT McKOWN, Chair
State Building Code Appeals Board